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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,498	07/22/2002	Jeffrey W. Chambers	19478-00005	4855

25281 7590 03/15/2006

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EXAMINER

RODRIGUEZ, CRIS LOIREN

ART UNIT PAPER NUMBER

3763

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/064,498	CHAMBERS, JEFFREY W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cris L. Rodriguez	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,10-17 and 25-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,10-15,31-38 and 40-44 is/are allowed.
- 6) ☒ Claim(s) 16,17,25-28,30,39,45 and 46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/22/05</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16, 17, 25, 26, 28, 30, 39, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiemeneij (US 6,620,150) in view of Jafari et al (US 6,652,472).

Kiemeneij discloses a guiding catheter, a guidewire, and a method for steering a guidewire having the steps set forth in the claims (cols. 1-2, and figures 1-6). However, Kiemeneij fails to disclose the guidewire having a variable stiffness, and the step of advancing further the guidewire and catheter.

Jafari teaches that it is well known to use a variable stiffness guidewire in pre-formed guiding catheters (Col. 1, and fig. 1) to improve the steerability of the catheter with the guidewires flexibility. In col. 1, lines 32-36, it teaches the step of further advancing the guidewire and the catheter for additional procedure. Given the teachings, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kiemeneij's guidewire by substituting it with the one shown in Jafari in order to improve the steerability of the guiding catheter within the

body, and further include the step of further advancing the guidewire and the catheter in order to perform an additional procedure.

3. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiemeneij in view of Jafari, and further in view of Chaisson et al (US 6,086,548).

Kiemeneij/Jafari discloses the invention substantially as claimed. However, Kiemeneij/Jafari fails to disclose the step of administering a medication through the catheter.

Chaisson teaches that it is well known to introduce medicament through the catheter (col. 4 lines 65-67). Given the teachings, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kiemeneij/Jafari's method steps by including the step of administering a medication through the guiding catheter, since Chaisson teaches that it is old and well known to further treat a target site.

#### ***Allowable Subject Matter***

4. Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 1, 2, 10-15, 31-38, and 40-44 are allowable over the prior art of record.

#### ***Response to Arguments***

6. Applicant's arguments filed December 22, 2005 have been fully considered but they are not persuasive.

7. In response to applicant's arguments that Kiemeneij describes a catheter configured for use without a guidewire, and that it teaches away from the combination catheter and guidewire, this is not found persuasive. Kiemeneij describes the catheter to be used without a guidewire at certain locations as shown in figures 3-4 and prior to cannulation. However, it does not preclude the catheter of being used with a guidewire. It is trying to address some deficiencies of steering the tip of catheter from the prior art inside the heart and coronary arteries (col. 3, lines 34-37, and lines 60-66, and col. 4, lines 1-4). Moreover, in columns 1-2, it is also mentioned that guidewires are needed for pre-shaped catheters in order to be guided through the vascular system.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Art Unit: 3763

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cris L. Rodriguez whose telephone number is 571-272-4964. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 13, 2006

  
Cris L. Rodriguez  
Primary Examiner  
Art Unit 3763

APPLICANT: JEFFREY W. CHAMBERS

USSN: 10/064,498

DOCKET NO.: C364.104.101

TITLE: CATHETER WITH FLEXIBLE TIP AND SHAPE RETENTION

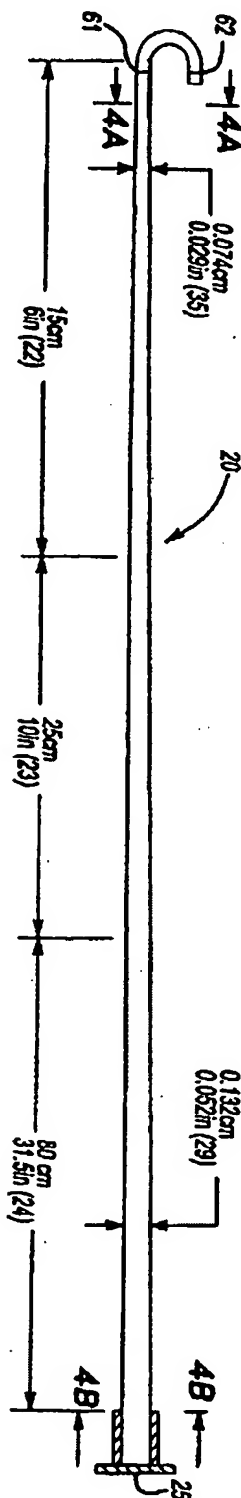


Fig-1

Approved  
chr 3/13/06

**TITLE: CATHETER WITH FLEXIBLE TIP AND SHAPE RETENTION**

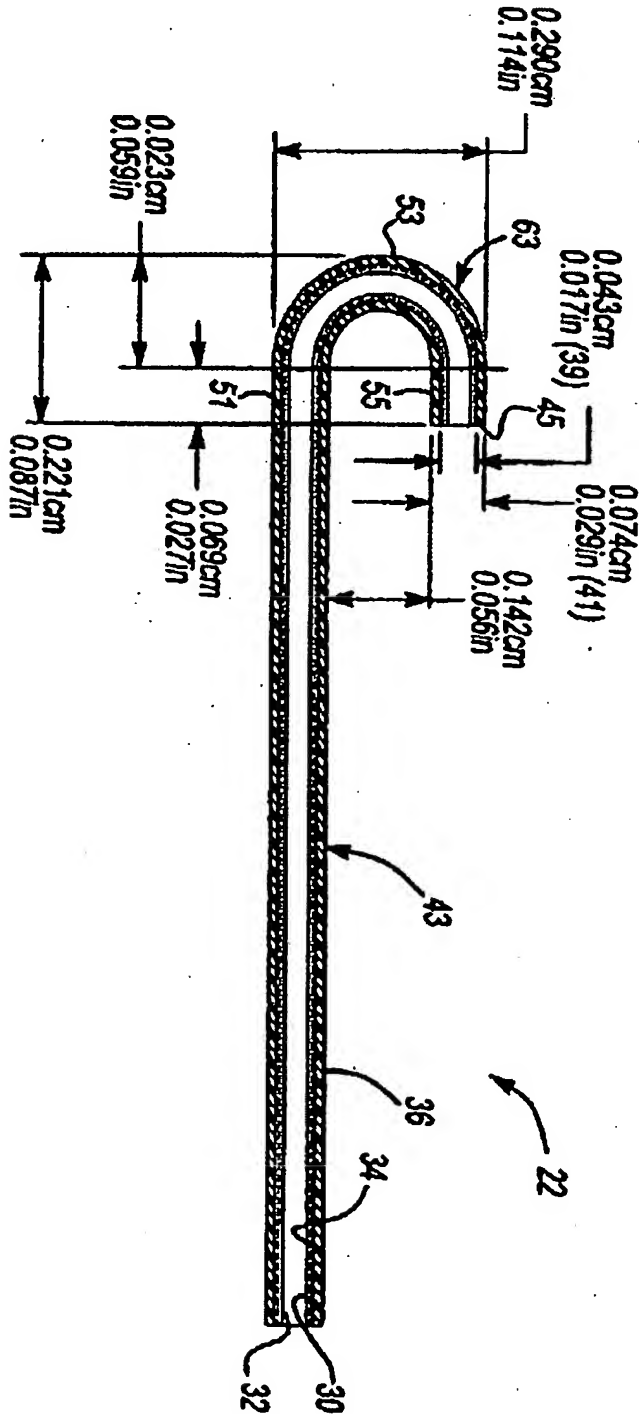


Fig-1A

Approved  
CJA 3/13/06



FORMAL REPLACEMENT DRAWING SHEET

APPLICANT: JEFFREY W. CHAMBERS

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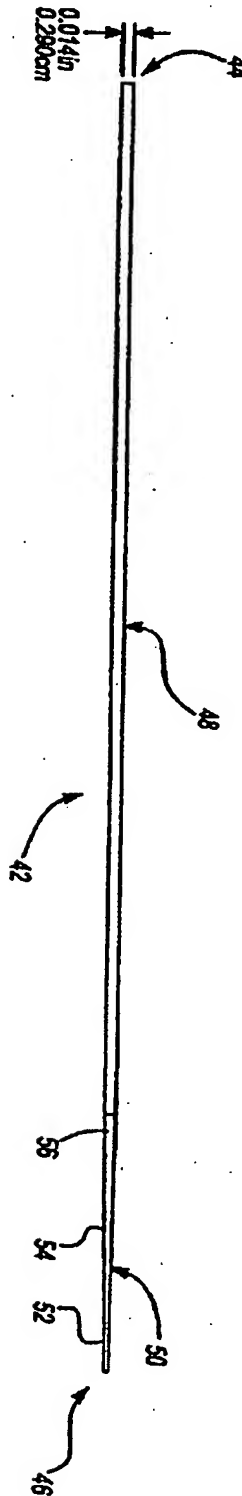


Fig-2

PRIOR ART

Approved  
Ch 3/13/06

**APPLICANT: JEFFREY W. CHAMBERS**

**DOCKET NO.: C364.104.101**

**Fig-3A**

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C/M 3/13/06

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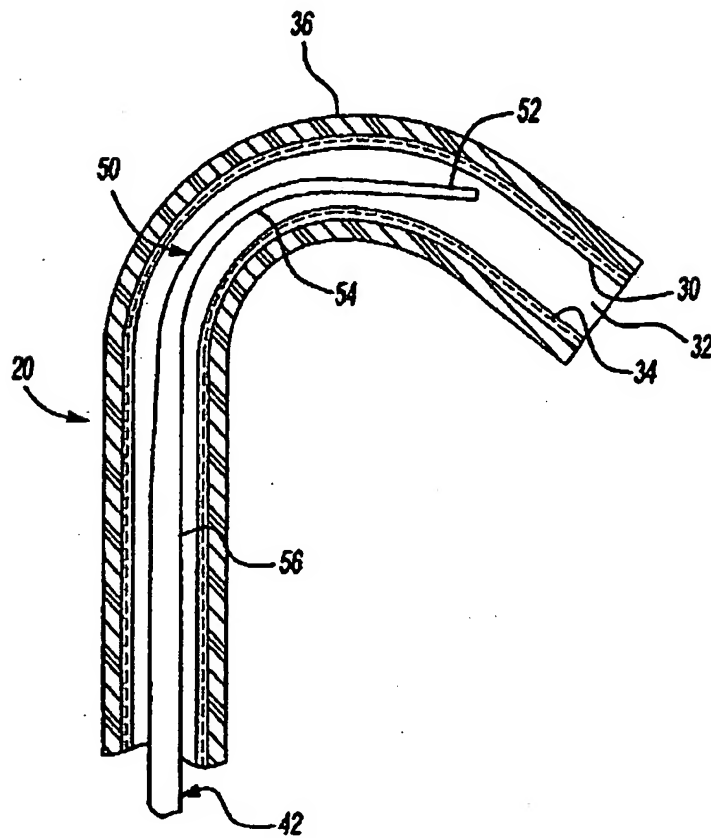


Fig-3B

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C/M 3/13/06

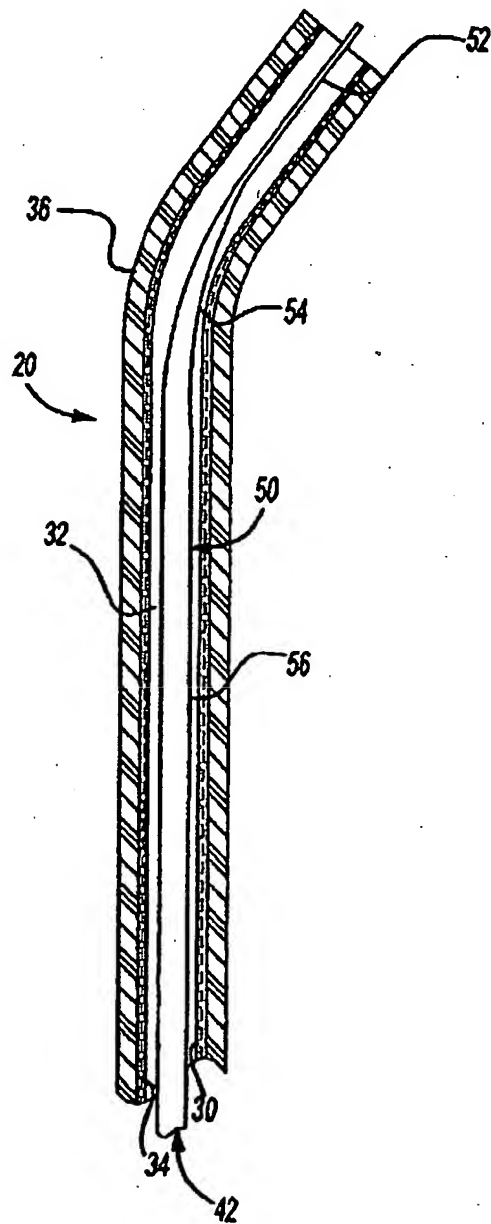
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USSN: 10/064,498

DOCKET NO.: C364.104.101

TITLE: CATHETER WITH FLEXIBLE TIP AND SHAPE RETENTION



**Fig-3C**

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CJH 3/13/06

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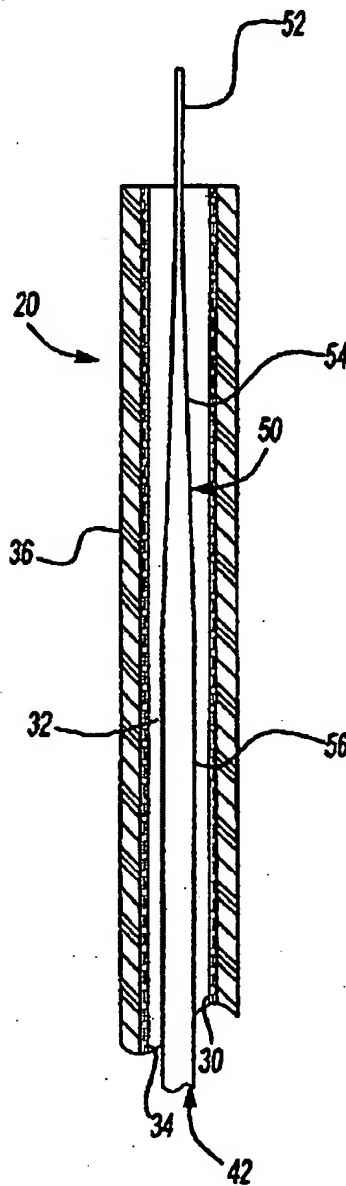


Fig-3D

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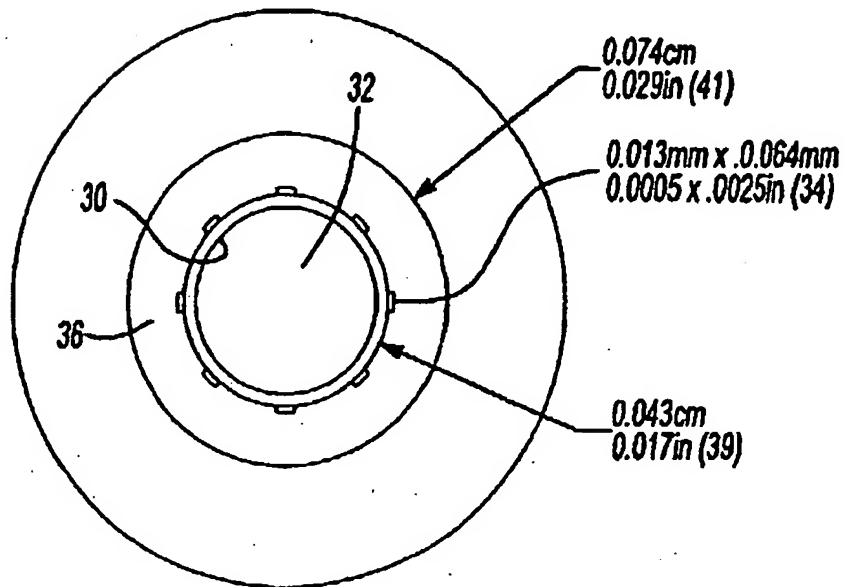


Fig-4A

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Cm 3/13/06

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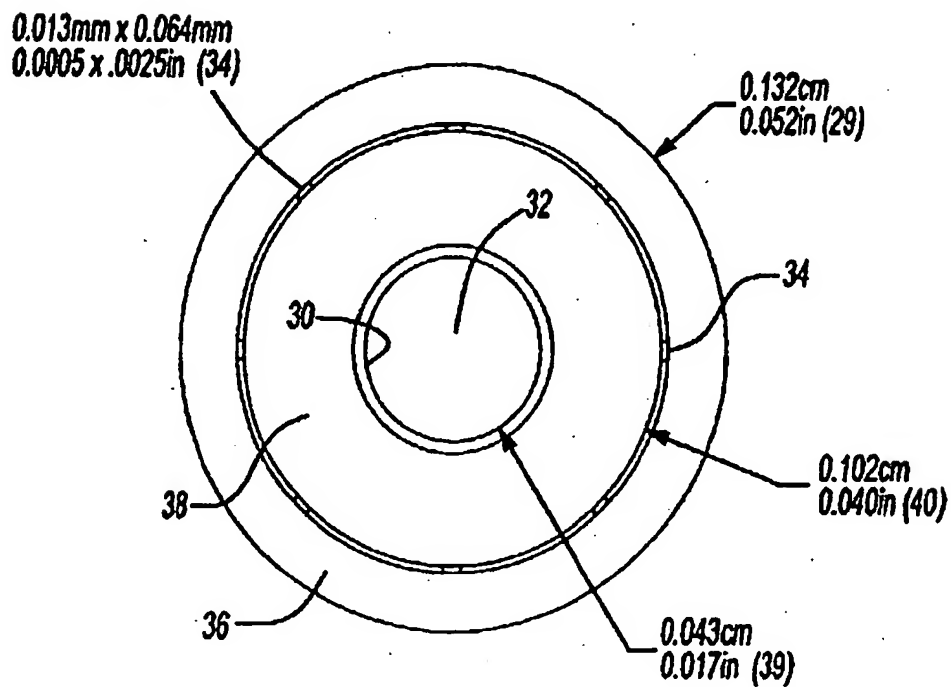


Fig-4B

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Cfr 3/13/06

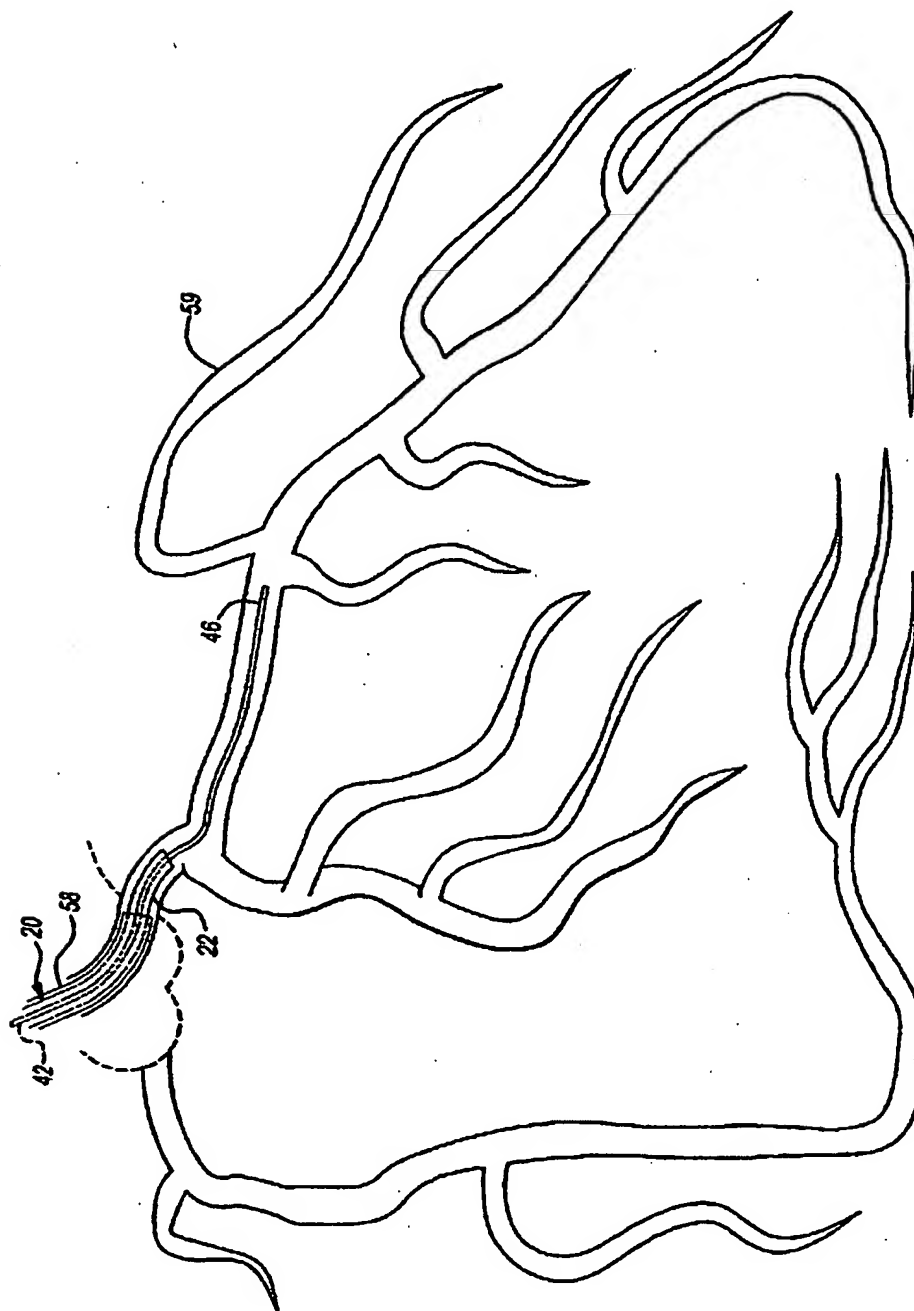
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**Fig-5A**

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CH 3/13/06



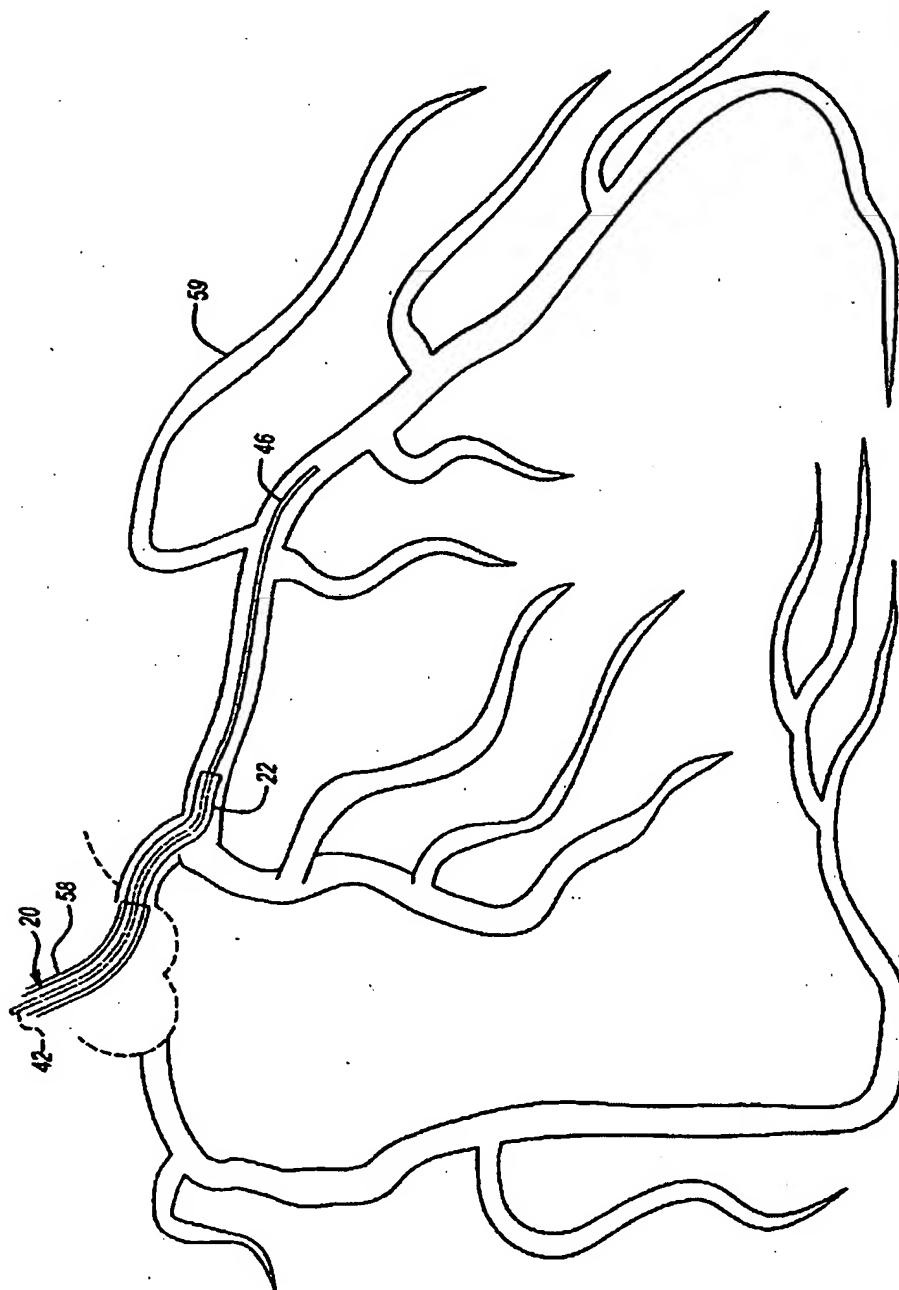
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TITLE: CATHETER WITH FLEXIBLE TIP AND SHAPE RETENTION



**Fig-5B**

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USSN: 10/064,498

DOCKET NO.: C364.104.101

TITLE: CATHETER WITH FLEXIBLE TIP AND SHAPE RETENTION

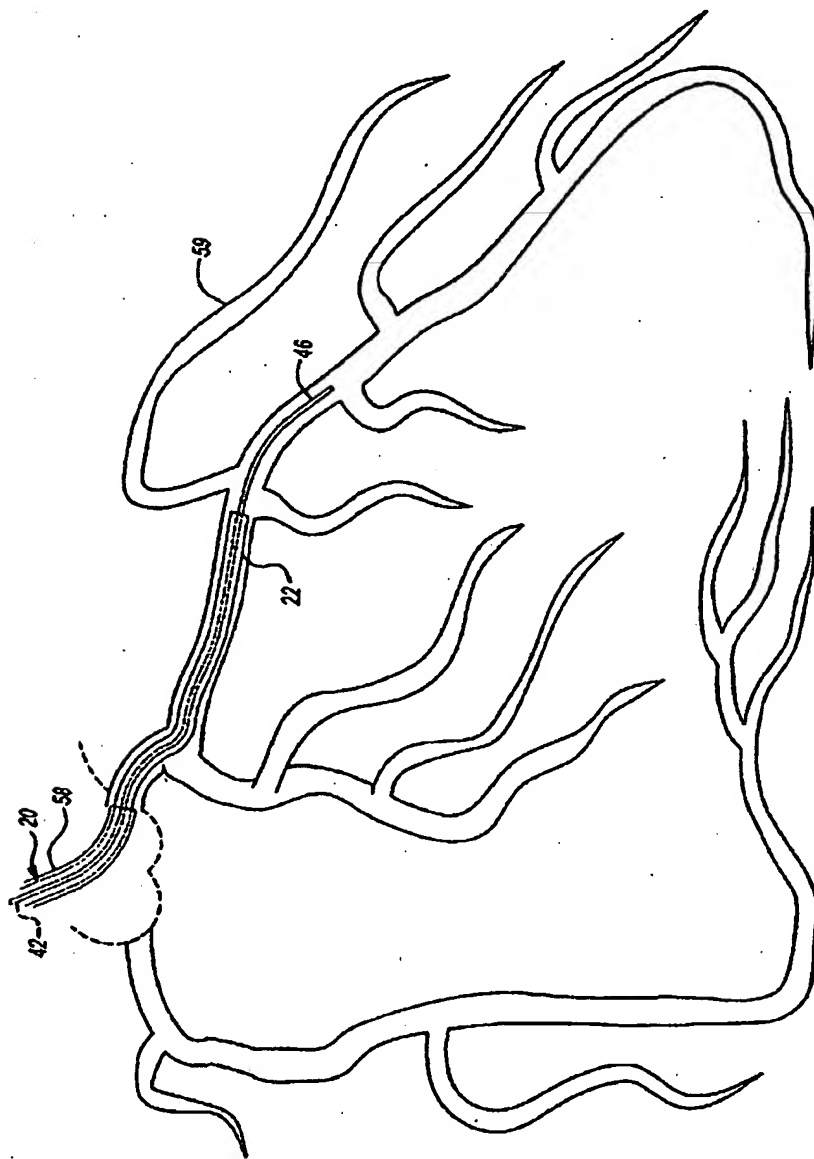


Fig-5C

Approved  
Chr 3/13/06

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USSN: 10/064,498

DOCKET NO.: C364.104.101

TITLE: CATHETER WITH FLEXIBLE TIP AND SHAPE RETENTION

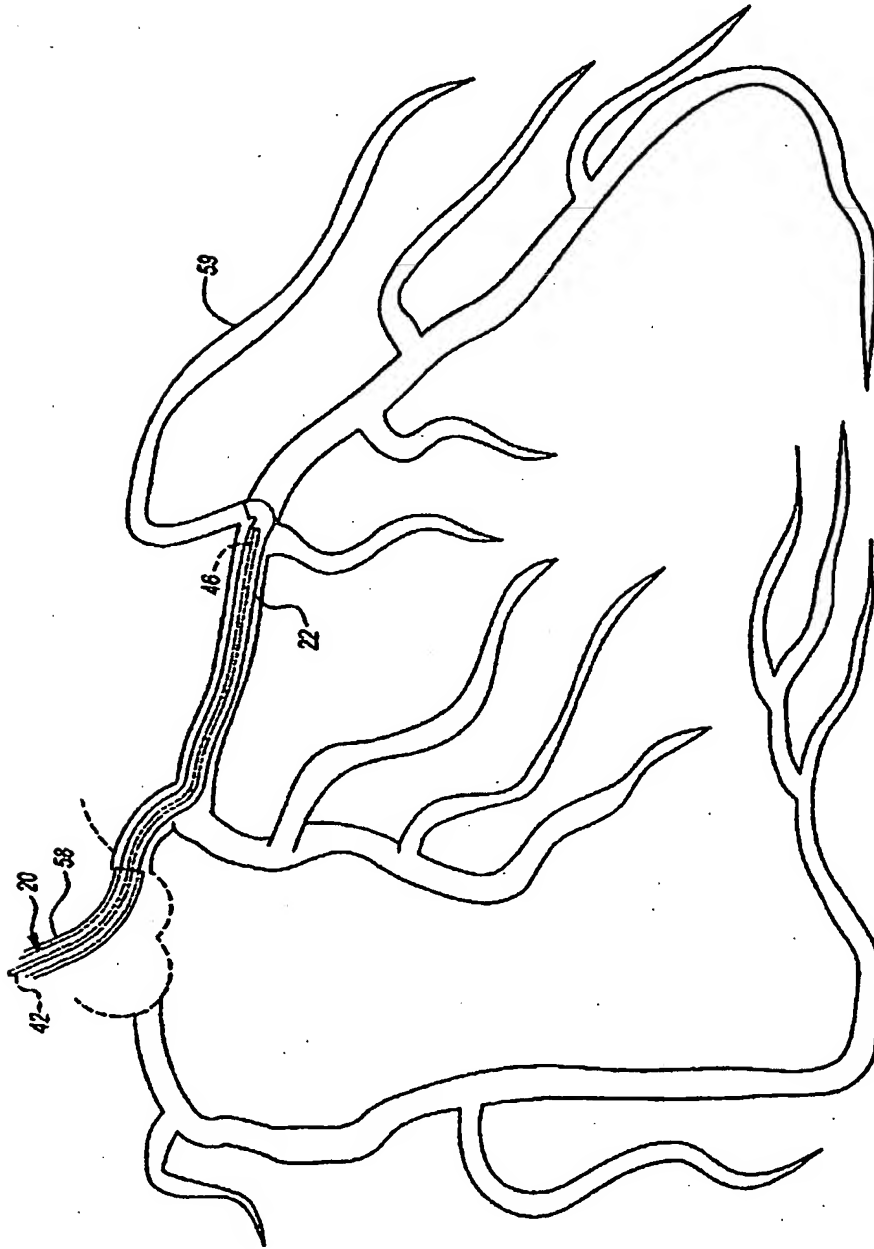


Fig-5D

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chr 3/13/06

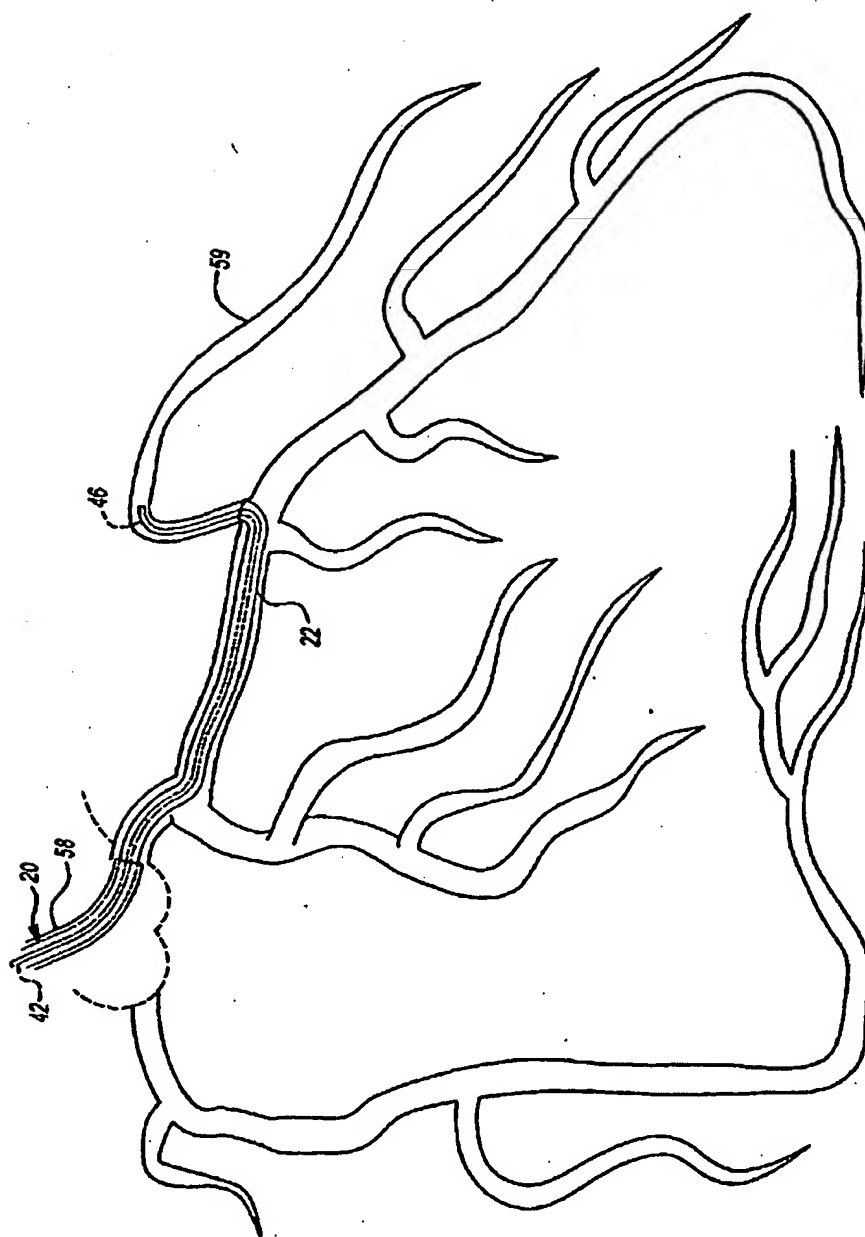
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DOCKET NO.: C364.104.101

TITLE: CATHETER WITH FLEXIBLE TIP AND SHAPE RETENTION



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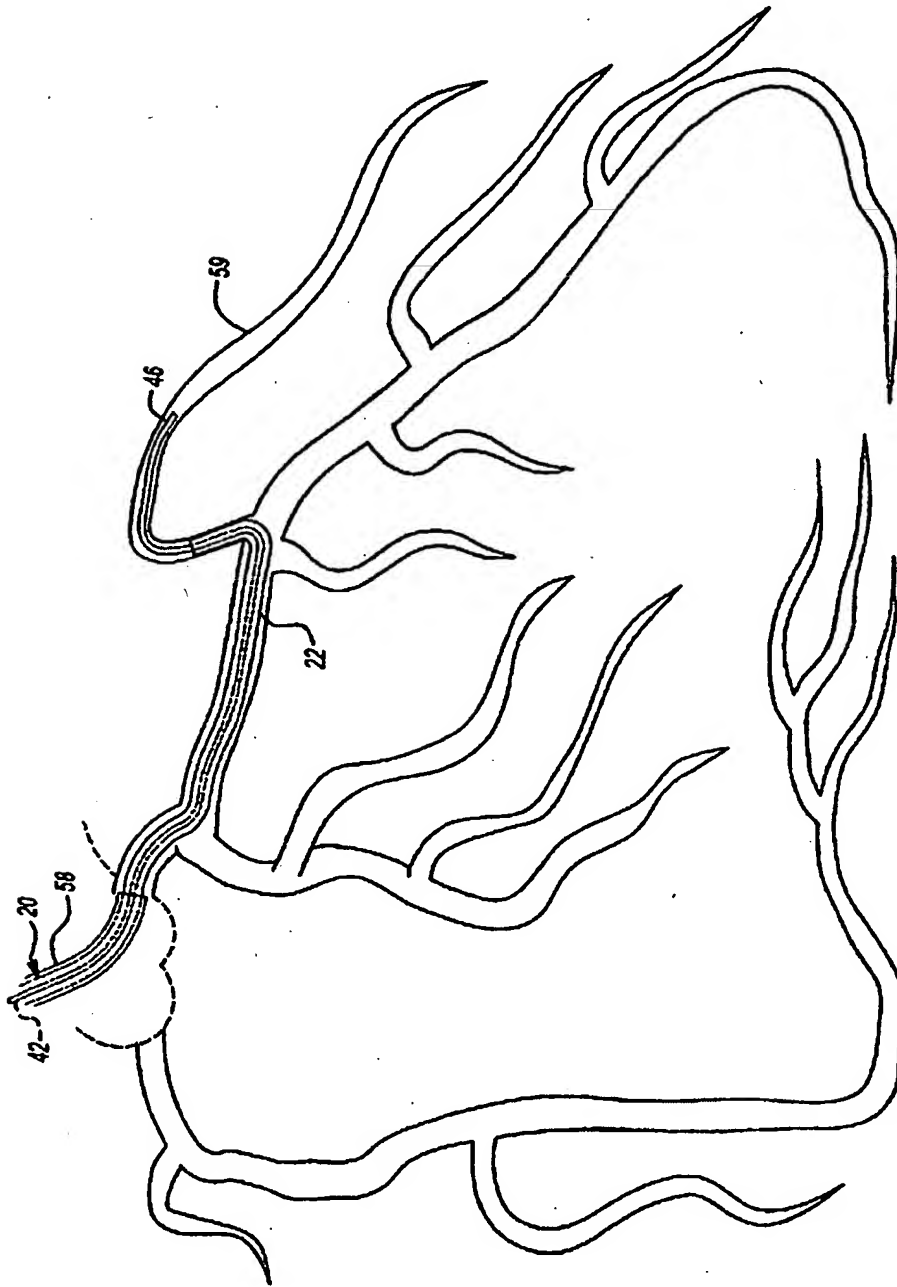


Fig-5F

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